

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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## ORDER

- against -

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99 Cr. 1048 (DC)  
09 Civ. 9816 (DC)

JOHNNY MARTINEZ,

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Defendant.

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CHIN, Circuit Judge:

The Clerk of Court is directed to open a new civil action, Martinez v. United States, with a new case number. The Clerk of Court is further directed to docket in the new case the successive § 2255 petition attached to the circuit court's March 11, 2020 mandate (see Crim. Dkt. No. 205). This petition, which should be detached from the mandate, shall be treated as defendant Johnny Martinez's successive § 2255 motion.

Within thirty days of the date of this order, Martinez may file an amended § 2255 motion or, in the alternative, submit a letter stating that he wishes to rely on what he has already filed (i.e., his successive § 2255 petition).

Within thirty days of the date of Martinez's submission, the United States Attorney's Office for the Southern District of New York shall file an answer or other pleading in response to the motion. Martinez shall have thirty days from the date on

which he is served with the government's answer to file a response. Absent further order, the motion will be considered fully submitted as of that date.

All further papers filed or submitted for filing must include the criminal docket number and will be docketed in the criminal case.

SO ORDERED.

Dated: New York, New York  
April 1, 2020

s/Denny Chin  
DENNY CHIN  
United States Circuit Judge  
Sitting by Designation